

ESTTA Tracking number: **ESTTA771407**Filing date: **09/19/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	McCluskey Chevrolet, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	9673 Kings Automall Dr. Cincinnati, OH 45249 UNITED STATES		

Attorney information	Carrie A. Shufflebarger Thompson Hine LLP 312 Walnut Street, Fourteenth Floor Cincinnati, OH, OH 45202 UNITED STATES carrie.shufflebarger@thompsonhine.com, docket@thompsonhine.com, mike.nieberding@thompsonhine.com Phone:513.352.6678
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Registration Subject to Cancellation

Registration No	4005688	Registration date	08/02/2011
Registrant	Boylston Technology Group, Inc. 75 Arlington Street Boston, MA 02116 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2010/11/01 First Use In Commerce: 2010/11/01
All goods and services in the class are cancelled, namely: Customized searching, namely, providing-specific information on cars as requested by customers via the Internet

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	1 Petition for Cancellation.pdf(17088 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/cas/
Name	Carrie A. Shufflebarger

Date	09/19/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of

Registration No. : 4,005,688
Registrant : Boylston Technology Group, Inc.
Mark : @cars
Issue Date : August 2, 2011

MCCLUSKEY CHEVROLET, INC.	:	
	:	
Petitioner,	:	
	:	Cancellation No. _____
v.	:	
	:	
BOYLSTON TECHNOLOGY	:	
GROUP, INC.	:	
	:	
Registrant	:	

PETITION FOR CANCELLATION

McCluskey Chevrolet, Inc. ("Petitioner"), an Ohio corporation having a mailing address at 9673 Kings Automall Dr., Cincinnati Oh 45249, believes it is being damaged by Registration No. 4,005,688 for @cars (the "'688 Registration"), and hereby petitions to cancel said registration pursuant to Section 14(3) of the Trademark Act of 1946 (15 U.S.C. § 1064(3)).

As grounds for cancellation, it is alleged that:

PETITIONER AND ITS @CARS MARK

1. Petitioner McCluskey Chevrolet, Inc. is an automotive dealership located in Cincinnati Ohio.

2. Petitioner uses the service mark @cars in connection with its dealership services and used car location services.

3. Since at least as early as June 15, 2016, Petitioner has been using the URL <http://www.atcars.com> to redirect internet traffic to a landing page on its primary website, <http://www.mccluskeychevrolet.com/atcars/>, which prominently displays the @cars mark.

4. On September 19, 2016, Petitioner filed U.S. Application Serial No. 87/175,169 under Section 1(a) of the Lanham Act, seeking registration of its @cars mark for use in connection with the following services in International Class 35: “automotive dealership services; locating pre-owned vehicles available for purchase; providing a web site that enables customers to input specification data for used automobiles that customers desire to purchase or lease.” A filing receipt for Petitioner’s Application is attached as Exhibit A.

5. Petitioner anticipates its Application may be refused registration based on the ‘688 Registration, thereby causing damage to Petitioner and establishing Petitioner’s standing for this Petition for Cancellation.

REGISTRANT AND THE ‘688 REGISTRATION

6. On information and belief Boylston Technology Group, Inc. (“Registrant”) is a dissolved Massachusetts corporation with an address at 75 Arlington Street, Suite 500, Boston, Massachusetts 02116.

7. On information and belief, prior to its dissolution, Registrant operated a technology-based consulting business.

8. On December 20, 2010, Registrant filed U.S. Application Serial No. 85/201,701 to register the mark @cars for “customized searching, namely, providing specific information on cars as requested by customers via the internet” in International Class 42, which application matured into the ‘688 Registration on August 2, 2011.

9. On information and belief, Registrant has expressly abandoned its use in United States commerce of the mark depicted in the ‘688 Registration.

10. Registrant’s corporate status was administratively dissolved by the Commonwealth of Massachusetts on June 18, 2012. A copy of the Massachusetts Secretary of State’s website reflecting Registrant’s corporate filing records is attached as Exhibit B.

11. Registrant’s former website, <http://www.boylstontech.com>, is no longer active, and in fact the domain name boylstontech.com is currently available for registration. A copy of a printout from GoDaddy.com showing the availability of this domain name is attached as Exhibit C.

12. On information and belief, in view of the foregoing, Registrant has abandoned its use of the mark depicted in the ‘688 Registration, and has no intent to resume its sale or offering for sale of the registered services under the mark depicted in the ‘688 Registration.

13. Consequently, the ‘688 Registration should be cancelled pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner prays that Registrant's U.S. Trademark Registration No. 4,005,688 be cancelled.

The filing fee of \$300 is being submitted herewith by a credit card of Petitioner's counsel noted below.

Please direct all correspondence to Carrie A. Shufflebarger, Esq., at Thompson Hine, LLC, 312 Walnut Street, Fourteenth Floor, Cincinnati, Ohio 45202, and all calls to the same at (513) 352-6678.

Respectfully submitted,

/s/ Carrie A. Shufflebarger

Carrie A. Shufflebarger, Esq.

Michael Nieberding

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Date: September 19, 2016

CERTIFICATE OF FILING

I certify that this Petition for Cancellation is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 19th day of September, 2016.

/s/ Carrie A. Shufflebarger
Carrie A. Shufflebarger

CERTIFICATE OF SERVICE

I certify that a copy of this Petition for Cancellation is being served via e-mail and Overnight Courier on the following, on this 19th day of September, 2016.

Boylston Technology Group, Inc.
75 Arlington Street, Ste. 500
Boston, Massachusetts 02116-3936

/s/ Carrie A. Shufflebarger
Carrie A. Shufflebarger